

Remarks/Arguments:

This is in response to the Office Communication of July 20, 2007. In the Office Communication, the Examiner has restricted the application to the inventions of Group I, including claims 1-4 drawn to an image recording apparatus, Group II, including claims 5-18 drawn to a method for temporarily storing information on a hard disk drive, Group III, including claims 19-22 and 39-40 drawn to a method for permanent recording, Group IV, including claims 23-28, 29-34 and 41-45 drawn to a method for dividing a hard disk into certain sized clusters, Group V, including claims 35-38 drawn to a method for storing files in a hard disk drive, Group VI, including claims 46-50 drawn to a method for editing files, Group VII, including claims 51 and 52 drawn to a method for preventing booting errors during initialization of a hard disk drive, and Group VIII, including claims 53-62 drawn to a method for automatically deleting error files.

In response, the Applicants provisionally elect Group II, including claims 5-18, with traverse.

In the Office Communication, the Examiner has determined that the inventions of Groups I and II, I and III, I and IV, I and V, I and VI, I and VII, I and VIII, II and III, II and IV, II and V, II and VI, II and VII, II and VIII, III and IV, III and V, III and VI, III and VII, III and VIII, IV and V, IV and VI, IV and VII, IV and VIII, V and VI, V and VII, V and VIII, VI and VII, VI and VIII, and VII and VIII are distinct from each other, since they are related as sub combinations disclosed as usable together in a single combination. Each of groups II-VIII are stated as having separate utility per MPEP 806.05(d).

The Applicants respectfully disagree that a restriction requirement is proper in this matter. The Office Communication states that Groups II-VIII have separate classification in the Patent Office classification system and that it would be a serious burden on the Examiner if the restriction is not required. However, independent claims 1, 3, 5, 19, 23, 29, 35, 39, 41, 46, 51, 52, 53 and 61 each recite common subject matter regarding a method of control and use of an image recording/reproducing apparatus, and independent claims 5, 23, 29, 35, 39 and 41 each recite common subject matter regarding a method of control and use of an image recording/reproducing apparatus wherein an HDD is divided into a plurality of certain sized clusters for use, which will require search by the Examiner. A search and examination of the claims therefore, due to the significant degree of common subject matter in Groups II-VIII, should not be a serious burden on the Examiner. Under MPEP §803,

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions".

Accordingly, the Applicants believe that the restriction requirement between Groups I-VIII should be withdrawn in view of the common subject matter or in the alternative, that the restriction requirement between Groups II-V, that include independent claims 5, 23, 29, 35, 39 and 41, and their respective dependent claims, that recite common subject matter regarding a method of control and use of an image recording/reproducing apparatus wherein

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an HDD is divided into a plurality of certain sized clusters for use, should be withdrawn in view of the common subject matter.

Should the Examiner have any questions or require further information, he is invited to contact the undersigned attorney at the local telephone number indicated below.

Respectfully submitted,

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